

BZA 19-75 - Lorraine Ave. Mennon-
ite Church requests variance to
reduce required off-street parkin
from 2 to 0; & to reduce the
required off-street loading space
from 2 to 0 at NE corner Taft and

POSTED
5-12-75
[Signature]
MAP ✓
C.I ✓
6-26-76
[Signature]

ACTION

BZA COMMITTEE Approved DATE 5-27
M.A.P.C. _____
B.C.C./B. CO. C. _____

BZA 19-75 - Lorraine Ave. Mennonite Church requests variance to reduce required off-street parking from 2 to 0; & to reduce the required off-street loading space from 2 to 0 at NE corner Taft and

THE CITY OF WICHITA

OFFICE OF Central Inspection Division **DATE** February 25, 1975



**ON SAFETY
PHASE II**

TO Robert Finch, Assistant City Manager
FROM Leland R. Johnson, Building Code Engineer

SUBJECT Day Care Center
Mennonite Church
3406 Taft

Attached is a copy of my memorandum to Robert Feldner dated February 12, 1975 in response to your memorandum to R. W. Bruggeman dated January 28, 1975.

Due to the question raised in my report concerning the authority of the Board of Examiners and Appeals to waive or modify certain code requirements, we have requested opinion from the Law Department as to how far the authority of the advisory board extends (copy of memo from Feldner to Dekker dated February 14, 1975 attached).

Rather than wait for response from the Law Department, which may require time for research, Mr. Feldner requested I notify you that it is our recommendation to the Mennonite Church officers that they apply to the Board of Examiners and Appeals for modification or conditional exception to the code requirements with respect to a fire-rated wall.

By this action, the Board can be studying the matter as a kind of test case and the applicant can be assured of our continued interest in their problem.

Since the implications of Board action range far beyond the immediate problem of this particular day care center, considerable attention should be given to the role of city government, its staff and citizen advisory boards, in assuring a community where optimum conditions for health, safety and welfare can be obtained without overburdening the citizens with increasing complex, sometimes conflicting ordinances, statutes and bureaucratic regulations.

Leland R. Johnson
Leland R. Johnson
Building Code Engineer

Attachments - 2
LRJ:cj

Approved: *Robert B. Feldner*
Robert B. Feldner, Superintendent of Central Inspection

cc - R. W. Bruggeman
John Dekker
Albert Lakin
Max Anderson
Jack Milburn



Central Inspection Division

February 14, 1975

John Deldker, City Attorney

Robert E. Feldner, Superintendent of Central Inspection

Interpretation on Advisory
Board Authority

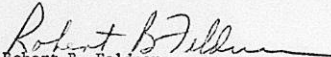
Questions frequently are raised as to how far the authority of an advisory board extends when considering code interpretations. The ordinance creating the Board of Examiners and Appeals under Section 18.04.020 describes in Paragraphs (e) and (f) the function of the board.

In view of its authority as described in those paragraphs, does it have the preogative to waive or modify the requirements under sections of the code which they had previously recommended for approval, in certain specific situations for which they find exception should be made?

If they find for waiver or exception, would their finding need City Commission approval?

It is my understanding that the citizen who receives an adverse ruling from the board has the right of appeal to the City Commission. He obviously would not appeal a favorable one. The question remains as to how far or to what extent the board may rule under the authority described in the ordinance.

Your reply will be greatly appreciated.


Robert E. Feldner
Superintendent of Central Inspection

RBF:mm1

cc: R. W. Bruggeman,
Director of Public Works

ROUTE TO:	DATE
	LRI 2/14/75
INFO. FILE:	LAW DEPT.
ACTION	

make copy for 18.04.020

THE CITY OF WICHITA

OFFICE OF Central Inspection Division

DATE February 12, 1975



TO Robert E. Feldner, Superintendent of Central Inspection

FROM Leland R. Johnson, Building Code Engineer

SUBJECT Day Care Center
Mennonite Church

I have reviewed the report of Jack Kirkby regarding use of the building at 3406 Taft as a community center and pre-school of at least 16 pupils. His report is correct to require the 2-hour rated exterior wall and, since the wall is closer than 5 feet to the property line, it should have no openings. This requirement is listed under Group C-3 in Table 5-A for Fire Zone 3.

The off-street parking and loading spaces as required in Section 28.04.185 is one for each teacher and one for each ten children or fractional part of ten. In the applicant's case, 16 students and two teachers will require four spaces. The parking space is required to be surfaced with a dust-free material (I would interpret the use in this case to be reasonably comparable to multi-family as stated in Section 28.04.141, Par. 3.1 as related to parking lot surfacing requirement under Section 28.04.143).

The two problems which Dr. Krause mentioned specifically in his letter of January 23, 1975 to Mayor Porter can be considered as follows:

1. The required 2-hour fire-rated exterior north wall without openings (Table 5-A, Section 504) might be waived by the Board of Examiners and Appeals on the basis of the rationale that purpose of the requirement is to prevent buildings of Group C-3 being closer than 20 feet without protection. Since the residence on the property immediately adjacent north is 25 feet from the line, and the day care building is 3.75 feet from its line, the two buildings are separated by 28.75 feet; thus achieving the intent of the code.

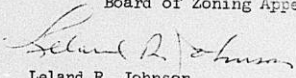
As long as the structure to the north is not replaced by another that is less than 20 feet from the day care center, the intent of the code will be served.

A complicating factor is a 1-car garage at the rear of the lot north of the center. The garage serves the residence to the north. The front of the garage appears to "overlap" the rear of the day care center by a few feet; that is, the rear of the day care center is 75.5 feet from Knight Street while the front of the garage appears to be approximately 70 feet from Knight Street.

Robert B. Feldner
February 12, 1975
Page 2

2. The paving requirement of off-street parking and loading spaces could be satisfied by the interpretation above. The embankment along the east fence would need to be cut down to provide an acceptable grade for the parking area.

Item No. 2 could be implemented by your decision as authorized under Section 28.04.01OE. A third matter not mentioned in Dr. Krause's letter has to do with the change in occupancy of a structure that is nonconforming to zoning setback requirements. The nonconformance matter would need Board of Zoning Appeals action.


Leland R. Johnson
Building Code Engineer

LRJ:cj

cc - R. W. Bruggeman

from: JHS

date: 2/5/75

admin. adv. plans com. dev. social graphics

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Bob Lakin
JS

THE WICHITA-SEDGWICK COUNTY DEPARTMENT OF COMMUNITY HEALTH

OFFICE OF Environmental Health

DATE February 3, 1975

TO Robert Finch, Assistant City Manager

FROM Jack E. Milburn, Supervisor, Institutional Services

SUBJECT Group Care Center, 3406 Taft
Re: Request from Mennonite
Church to Mayor Porter, 1-23-75

At the request of Dr. Silverman, I am responding to your memorandum which seeks alternate solutions for paved off-street parking and two-hour fire rating treatment of an outside wall regarding this home.

At the outset it should be noted that the group care to be conducted at this facility is short-term not exceeding 2½ hours per session. This means that a child would not be in the home for more than the maximum period of time. With respect to paved off-street parking, this Department would defer to the Central Inspection Division and Planning Department for their recommendations on the implementation of public policy or any waiver thereof. With regard to fire protection, the 2-hour rating involving an outside wall is a safety factor in case a fire should occur on adjacent property. (The set-back on this structure is approximately 5 feet from the property line, although the Fire Department has approved the home as it exists.) This Department again is not in a position to recommend waiving the standards involving fire safety and would support adherence to such standards in most cases.

The possible need to close a window in the wall in question can be resolved in conformance to State or Local Regulations by supplemental artificial lighting so as to bring the light intensity to a minimum of 20 foot candles in the room that is affected. Ventilation is not a problem. This alternative is only applicable under the law for group care centers conducting short-term sessions. It should not be allowed for full day group care respective of the City's Housing Code. The requesting agency is considering expanding the use from 6 to 16 children. The child care use of this facility was first established under previous zoning regulations which remain in effect on a non-conforming use right. Based on this, a compromise alternative would be for the home to expand to and including 9 children without any structural modifications.

This Department is more than willing to provide whatever assistance it can to the Mennonite Church in its desire to have an expanded safe and wholesome facility.

Jack E. Milburn
Jack E. Milburn, Supervisor
Institutional Services

JEM:DC/jk

cc: Mervyn F. Silverman, M.D., M.P.H.
Max Anderson
Bob Feldner



from: JHS date: 1/29/75

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remarks: Advise me as to
what you know about this.
You have not been contacted,
please review in the field.

THE CITY OF WICHITA
OFFICE OF CITY MANAGER

DATE January 28, 1975

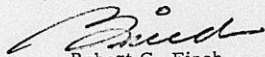
TO R. W. Bruggeman, Director of Public Works

FROM Robert G. Finch, Assistant City Manager

SUBJECT Day Care Center --
Mennonite Church

Attached is a copy of a letter from the Lorraine Avenue Mennonite Church concerning a proposed Child Day Care Center at 3406 Taft Street.

Please accept responsibility for reviewing this problem to determine whether there are alternate solutions to the matter of paved off-street parking and the apparently conflicting requirements relating to closing of the windows and ventilation.



Robert G. Finch
Assistant City Manager

RGF/ksc
Attachment

cc: Robert Feldner, Central Inspection Supervisor (w/a)
Dr. Mervyn Silverman, Director of Community Health (w/a)
Max Anderson, Fire Marshal (w/a)
Robert A. Lakin, Director of Planning (w/a) ✓
Paul B. Graves, City Traffic Engineer (w/a)

Check like BZA on parking.



MELVIN D. SCHMIDT
PASTOR
(316) 692-4586
RUTH O. SCHMIDT
COMMUNITY MINISTER
(316) 942-6492

**LORRAINE
AVENUE
MENNONITE
CHURCH**

January 23, 1975

Honorable Garry Porter, Mayor
City Building, 204 S. Main
Wichita, Kansas 67202

Dear Mayor Porter:

We respectfully request an exception to permit the establishing of a child care center on property that is presently zoned A-A. This property is located at 3406 Taft Street (South 50 feet of lot 8, Block 7, Bureka Gardens Addition).

We are currently operating a community center on this property. This includes among other things conducting a pre-school. At the present time our license allows us to conduct a pre-school for up to six children. We have been assured that our facilities are adequate to operate a pre-school for up to 16 children if we can get proper zoning. This is being held up because of conditions set forth by Central Inspection of the City. See attachments. We will gladly comply with the conditions set forth by the Health Department and the Fire Department. However, the conditions set forth by Central Inspection seem unfair to us.

We can see as a general principle as a pre-school enlarges its enrollment, it should provide for off-street parking for its staff and an unloading zone for parents who bring their children to such a school. We feel, however, to apply this to our situation is unwarranted for at least two reasons. The total staff needed to operate the pre-school will be two. At most this would mean two cars parked at this location. At this address there is only one residence in the entire block that has a front facing Taft Street. To have at most two vehicles parked on this block for this duration of the pre-school session cannot be viewed as an inconvenience to the resident of that block. Secondly, Taft Street is not a main thoroughfare and has light traffic. There is in fact a section of unpaved street between West Street and the property in question which indicates that this is a lightly traveled street. We feel it can hardly be argued that an off-street unloading zone is required for the safety of the children. We have obtained a bid from a construction company to determine the cost of surfacing a parking area. The cost to us would be in excess of \$2,700.00 which is almost prohibitive for us.

A second condition we request to have waived is to provide a two hour fire resistant wall for our building. Again, we can see the merit of this regulation as a general guideline. We would submit that to require this in our case is unnecessary. We assume this regulation is to protect

Honorable Garry Porter, Mayor
January 23, 1975
page 2

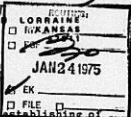
the children in our pre-school. In our case the main entrance to the building is on the side opposite to the wall which we are told should be made fire resistant. The Health Department has informed us that if we comply and close off the windows of that wall as required by Central Inspection, this will give inadequate window space. We find ourselves in a situation where if we comply with the requirements of one city agency, we will find ourselves in conflict with another city agency.

It is our intention to serve the community as best we know how. Our policy is to charge tuition on a graduated scale based on parents' ability to pay. In this way it is possible for children from low income families to have the advantage of a preschool experience. We understand there is no other pre-school on the west side of the city that offers this type of tuition rate. This of course means that this type of operation has to be subsidized which we are prepared to do. On the other hand, if we must meet the expenses of providing off-street surface parking area and a two hour fire resistant wall, the financial burden will be such that we may indeed be forced to close down this program. Granting us the exception we request would allow us to continue to serve this community.

Respectfully submitted,
Lorraine Avenue Mennonite Church
R. Krause
Roland L. Krause, M.D.
for the Committee on Community Ministry

RLK:mg

Enclosures



RESOLUTION NO. BZA 19-75

WHEREAS, Lorraine Avenue Mennonite Church, 655 South Lorraine, Wichita, Kansas requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of off-street parking spaces from 2 to 0 and to reduce the required number of off-street loading spaces from 2 to 0 on property zoned the "AA" Single Family Dwelling District and legally described as follows:

The south 50 feet of Lot 8, Block 7, Eureka Gardens, Wichita, Sedgwick County, Kansas.
Generally located at the northeast corner of Taft and Knight.

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of May 27, 1975, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as the church-community center was built prior to annexation without off-street parking provisions and has operated over the years with only on-street parking; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as there would be no substantial change to the parking and loading/unloading conditions that now exist or have existed for many years; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested, will constitute unnecessary hardship upon the property owner represented in the application inasmuch as this use would not generate as much traffic as other church related activities that are now permitted without off-street parking; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that the on-street parking situation will be substantially no different that it would be without the granting of this variance; and

Resolution No. BZA 19-75
Page Two

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the four previous conditions have been found to exist; and

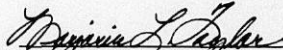
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required number of off-street parking spaces from 2 to 0 and to reduce the required number of off-street loading spaces from 2 to 0 on property zoned the "AA" Single Family Dwelling District and legally described as follows:

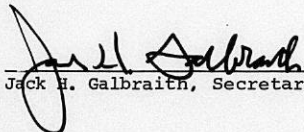
The south 50 feet of Lot 8, Block 7, Eureka Gardens, Wichita, Sedgwick County, Kansas.
Generally located at the northeast corner of Taft and Knight.

BE APPROVED.

ADOPTED AT WICHITA, KANSAS, this 27th day of May, 1975.


Marjorie L. Taylor, Chairman

ATTEST:


Jack H. Galbraith, Secretary

June 19, 1975

J. Michael Peters
923 First National Bank Building
Wichita, Kansas 67201

Subject: Case No. BZA 19-75
Request for Variance

Dear Mr. Peters:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on May 27, 1975, in connection with your request for a variance to reduce the required number of off-street parking spaces from 2 to 0 and to reduce the required number of off-street loading spaces from 2 to 0 on property zoned the "AA" Single Family Dwelling District and generally located at the northeast corner of Taft and Knight.

This Resolution reflects the official action of the Board to approve your request. It is forwarded to you for your information and files.

If you have any questions concerning this matter, please call our office.

Sincerely,

Jack H. Galbraith
Secretary

JHG:js

cc: Lorraine Avenue Mennonite Church, 655 S. Lorraine, 67211
Robert Feldner, Supt. of Central Inspection
Donald Gisick, City Clerk
Joe Donnelly, Central Inspection Division

May 30, 1975

J. Michael Peters
923 First National Bank Bldg.
Wichita, Kansas 67201

Subject: Case No. BEA 19-75
Request for Variance

Dear Mr. Peters:

At the regular meeting of the Board of Zoning Appeals on May 27, 1975, your request for a variance to reduce the required number of off-street parking spaces from 2 to 0 and to reduce the required number of off-street loading spaces from 2 to 0, on property zoned the "AA" Single Family Dwelling District, and generally located at the northeast corner of Taft and Knight, was considered.

It was the action of the Board to approve this request. A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Sincerely,

Jack H. Galbraith
Secretary

JHG:js

cc: Lorraine Avenue Mennonite Church, 655 S. Lorraine, 67211
Robert Feldner, Supt. of Central Inspection
Donald Gisick, City Clerk
Joe Donnelly, Central Inspection Division

SECRETARY'S REPORT

CASE NO. PZA 19-75

APPLICANT: Lorraine Avenue Mennonite Church, 655 South Lorraine, Wichita, Kansas.

AGENT: J. Michael Peters, 923 1st National Bank Building, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of off-street parking spaces from 2 to 0; and to reduce the required number of off-street loading spaces from 2 to 0.

GENERAL LOCATION: Northeast corner of Taft and Knight.

ZONING: Subject property and all surrounding properties are zoned the "AA" Single Family Dwelling District.

LAND USE: Subject property is developed as a community activity center. All surrounding properties are single family residences.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five of the following conditions are found to exist:

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and

5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance.)

COMMENTS BY THE SECRETARY

This application was filed simultaneously with the previous case, EZA 18-75, on the same property, by the same applicant. This is a request for a variance to reduce the required number of off-street parking and off-street loading spaces for a child care center down to zero. This case is contingent on approval of the request for a child care center, because without the approval there is no requirement to vary.

The Zoning Ordinance has recently been amended to remove the off-street parking and off-street loading requirements from the specific list of conditions and requirements, which must be attached to any Board approval authorizing child care centers. These requirements have now been added to the off-street parking and off-street loading sections of the text. As a result of this action, the Board now has the jurisdiction to consider requests to vary these provisions, whereas before you could not vary a condition of approval that was specifically listed in the Zoning Ordinance.

Subject property, known as Eureka Gardens Community Center, proposes a child care center for 16 children. This number of children would necessitate a minimum of two teachers, which by ordinance requires that two off street parking spaces be provided on the premises. Also, based on the ratio of one off-street loading space for each ten children or major fraction thereof, two off-street loading spaces are required. The applicant is asking that both of these requirements be varied to zero.

The applicant states that the Community Center is now used for other activities which generate a heavier traffic flow than would be expected from the child care center. These include a senior citizens program, nutrition classes and until just recently another church was renting the facility on Sundays and Wednesday evenings for their church services. It should be noted that other activities will continue to be held on the premises, at times that would not conflict with the child care center hours of 8:30 a.m. to 11:30 a.m. Monday through Friday. The Family Day Care Home that is now being operated on subject property has a present staff of two teachers. The same number of teachers would be utilized for the child care center, there by creating no additional impact from staff parking.

Secretary's Report - BZA 19-75
Page Three

This is an older residential neighborhood, where most of the homes were built prior to annexation into the city. Subject property has no off-street parking facilities and is non-conforming in this respect, in that the building was constructed prior to annexation. Parking for church services and community activities has been handled solely by on-street parking.

UNIQUENESS

It is the opinion of the Secretary that this is somewhat of a unique situation inasmuch as the church-community center was built prior to annexation without off-street parking provisions and has operated over the years with only on-street parking.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance would not adversely affect the rights of adjacent property owners or residents inasmuch as there would be no substantial change to the parking and loading/unloading conditions that now exist or have existed for many years.

HARDSHIP

It is the opinion of the Secretary that the strict application of the provisions of the Zoning Ordinance may constitute unnecessary hardship upon the applicant inasmuch as this use would not generate as much traffic as other church related activities that are now permitted without off-street parking.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance may not be opposed to the public interest inasmuch as the on-street parking situation will be substantially no different than it would be without the granting of this variance.

SPIRIT AND INTENT

It is the opinion of the Secretary that if the previous four conditions can be found to exist, the granting of the variance would not be opposed to the spirit and intent of the Zoning Ordinance

RECOMMENDATION

It is the opinion of the Secretary that all five conditions can be found to exist and it is therefore recommended that the variance be approved to reduce the required number of off-street parking and loading spaces for a child care center to zero.

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

May 5, 1975

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. EZA 19-75

An application has been filed by Lorraine Avenue Mennonite Church, 655 South Lorraine, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required number of off-street parking spaces from 2 to 0 and to reduce the required number of off-street loading spaces from 2 to 0 on property zoned the "AA" Single Family Dwelling District and legally described as follows:

The south 50 feet of Lot 8, Block 7, Eureka Gardens, Wichita, Sedgwick County, Kansas.
Generally located at the northeast corner of Taft and Knight.

This application has been assigned Case No. EZA 19-75, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, May 27, 1975, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

JACK H. GALBRAITH
Secretary

19 notices to adjoining property owners mailed 5-6-75
10 notices to MAPC mailed 5-6-75

5246

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 17-75
FILED 4-29-75

APPLICATION FOR VARIANCE

I. Name of Applicant Lorraine Avenue Mennonite Church
Mailing Address 655 South Lorraine Phone 682-4555
Name of Authorized Agent J. Michael Peters
923 First National Bank Building
Mailing Address Wichita, Kansas 67202 Phone 263-8218
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is ^{REDUCE} to waive the off street parking ^{REQUIREMENTS} and
FROM 2 to 0; and to reduce the required off street
loading ^{spaces from 2 to 0.} ~~space~~ requirements of Code of City of Wichita, Sections

Ch. 22

28.04. 1411 ¶3.15 and 28.04. 142 ¶1.5
for property located 3406 Taft

and legally described as: The South 50 feet of Lot 8,
Block 7, Eureka Gardens Addition

in the City of Wichita; and which is presently zoned AA.

- III. The applicant herein, or his authorized agent, acknowledges:
- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
 - b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
 - c. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
 - d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Lorraine Avenue Mennonite Church
Applicant
J. Michael Peters
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 2:00 (a.m. P.M.), 4/29 1975
together with appropriate fee of \$50.00.

T9-402

Larry Hobson
Signed

BOARD OF ZONING APPEALS

CITY OF WICHITA, KANSAS

APPLICATION FOR VARIANCE

STATEMENT JUSTIFYING VARIANCE

1. Section 2.12.590.B provides that the Board of Zoning Appeals may grant variances subject to certain conditions and requirements. The variance sought herein is to waive the off street parking and loading zone requirements of Code of City of Wichita, Sections 28.04.1411 ¶3.15 and 28.04.142 ¶1.5.

2. A child care center is currently being operated at the subject property under license number F7721 with the current capacity limited to 6. It is believed that a license will be available, once proper zoning is obtained, to increase the capacity to 16.

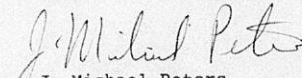
3. The property is owned and operated by Lorraine Avenue Mennonite Church as a community ministry service and is a much needed service at its location. This service is not now capable of meeting the demand in the local community. It is felt that the Church can be of substantial benefit to this community if allowed to continue with this service on a larger scale.

4. The requirements for off street parking and loading zones required by the mentioned Sections present an onerous burden that would effectively prevent the center from operating as intended.

5. The provisions for parking in this instance are not needed. The center is now used for other activities at other times which require a heavier traffic flow than the child care services and no need for off street parking has been observed. On street parking is ample and easily serves the needs of the center.

6. The granting of the variance will not in any way alter or adversely affect the traffic flow in this community.

Respectfully submitted,


J. Michael Peters

FORM 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION AMOUNT

1721 W. 11th St. \$100.00

Name _____

Address _____

Type _____ Due Date _____

Comments: _____

Date _____ By _____